

SEC. 3. On or before the first Monday in each year the State Geologist shall prepare careful statements of his accounts with the survey for the previous year, embodying them in the form of a financial report, and send the same to the Governor, together with such vouchers as it may be practicable for him to obtain; and the Governor shall lay the whole before the General Assembly, together with the report of progress of the State Geologist.

SEC. 4. All acts and parts of acts in contravention of the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the State Register and Evening Statesman.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 17, 1868, and in the *Daily State Register* April 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 179.

RELATING TO INSANE PERSONS.

AN ACT in Addition to an Act entitled "An Act for the Incorporation and Government of the Hospital for the Insane." APRIL 8. Rev., ch. 59, art. 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no private patient shall be admitted into the hospital by the superintendent under the provisions of the eighth section of the act to which this is an addition, unless the applicant for his admission shall produce the certificate, dated within two weeks previous to the application, of a physician appointed for that purpose by the county judge of the county or the circuit judge where the patient resides, certifying that the patient is insane and a proper subject for custody and treatment in the hospital: *Provided,* That when the insane person happens to be in a county other than that of his or her residence, then, in that case, the certificate of a physician appointed by the county judge of such county or the circuit judge shall be sufficient.

SEC. 2. Upon the application of any relative, guardian, or friend of any person alleged to be insane, the judge of any county, or circuit judge, where the person alleged to be insane resides, shall appoint some regular, practicing physician, who shall immediately examine personally said person, and, in case he is found to be insane, shall give a certificate to that effect, as it is provided in the first section of this act. The county judge or the circuit judge shall be entitled to a fee of one dollar for receiving the application and making the appointment.

Examination:
Physician's
certificate.

Judge's fee,
\$1.

SEC. 3. The county judge of any county, or circuit judge, upon information being filed before him that there is an insane person within the county, or circuit, needing attention, shall immediately appoint a commission to inquire into the case to consist of three persons, one of whom shall be a regular practicing physician, and the other two justices of the peace or trustees of the township where the alleged insane person resides.

When infor-
mation is
filed,

judge to ap-
point com-
mission.

SEC. 4. It shall be the duty of this commission to examine personally the alleged insane person, to hear testimony and make all proper inquiries in relation to the mental condition of said person, and to report to the county judge or circuit judge: 1. Whether he is insane. 2. Whether he is dangerous to be at large, either to himself or others. 3. If he is not dangerous, whether he is probably susceptible of cure by remedial treatment in the Hospital. 4. If he is incurable and harmless, whether he is comfortably provided for and supported at home.

Duty of com-
mission.

Report.

SEC. 5. If upon this report the county judge, or circuit judge, shall be of opinion that the alleged insane person is insane and dangerous to be at large, or is susceptible of cure by remedial treatment in the Hospital, or, if incurable and harmless, is not comfortably provided for and supported at home, he shall order said person to be committed to the Hospital in manner and form as provided in the tenth section of the act to which this is an addition, unless the said person alleged to be insane, or some one in his behalf, shall demand that the question of his sanity shall be tried by a jury.

Dangerous,
or not sup-
ported,

to be sent to
Hospital.

Trial by jury
may be de-
manded.

SEC. 6. In case the person alleged to be insane, or any one in his behalf, after the report of the commission is made and before he is committed to the Hospital, shall appear before the county judge or circuit judge and demand a jury to try the question of his sanity, the county judge or circuit judge shall summon

Jury sum-
moned.

a jury of six persons to try the case as is now provided by law; and in case the verdict of the jury is in favor of the insanity of the said person, he shall be committed to the Hospital as provided in the preceding section, otherwise he shall be discharged. Action on verdict of jury.

SEC. 7. Any patient, public or private, who is cured, shall be immediately discharged by the superintendent; and the relatives of any public patient who, in the opinion of the superintendent, is not susceptible of cure by remedial treatment in the Hospital, and is not dangerous to be at large, shall at all times have the right to take charge of said patient and remove him from the Hospital: *Provided*, That no patient, who may be under the charge or conviction of homicide, shall be discharged without the order of the board of trustees. Patients cured to be discharged. Relatives may take charge of harmless incurables. *Provido*.

SEC. 8. Private patients may be removed from the Hospital at any time by the parties who are responsible for the payment of their expenses. Private patients removable at any time.

SEC. 9. The board of trustees may order the discharge and removal from the Hospital of incurable and harmless patients whenever it is necessary to make room for recent cases: *Provided*, That in the interim between the meetings of the board, the superintendent, in conjunction with two trustees, shall possess and exercise the power granted in this section. Removal of harmless incurables.

SEC. 10. On a written statement being made to the district judge holding a term of his court in Henry county, or to the county judge of Henry county, or circuit judge of that circuit, that a certain person confined in the hospital is not insane, and is unjustly deprived of his liberty, the judge shall appoint a commission of three persons, one of whom shall be a regular practicing physician, which commission shall examine said person and hear such evidence as shall be offered touching the merits of the case, and report their proceedings and opinion to the judge, and if upon this report in his opinion the person is not insane, the judge shall order him to be discharged. Proceedings of court where person in Hospital is not insane. Discharge.

SEC. 11. If it shall be made to appear to the county judge of any county, or circuit judge, that an insane person in the custody of his friends or in any jail or poor-house, in said county or circuit, is inhumanly treated and is manifestly suffering for want of proper care or treatment, he shall order such person to be sent to the hospital in manner and form now provided by law. Insane inhumanly treated to be remov'd to Hospital.

SEC. 12. The priority of claim, of relatives of

Custody of insane. different degrees of relationship, to the custody of any insane person shall be determined as follows:

1. The legally appointed guardian;
2. The husband or wife;
3. The parents;
4. The children.

Co. paying expenses of insane person may recover from county to which he belongs. SEC. 13. Any county paying the expenses for the commitment and support of an insane person in the Hospital shall have a right to recover the full amount thereof, with interest and costs, of the county of his legal settlement; and the insane person, if of sufficient ability to pay the same, and any relative obligated by law to maintain him, shall be liable for all such expenses paid by any county as in other cases.

Commissioners' fee, \$2. Physician's do. and 5 cts. a mile for travel. SEC. 14. The county judge or circuit judge may allow the commissioners appointed under the third section of this act, for making the examination and report therein required, a fee of two dollars each, and to the physician in addition five cents a mile for travel each way, to be paid from the county treasury.

Judge's fee under §10, \$2. SEC. 15. The county judge of Henry county, or circuit judge, for hearing and determining each case provided for in the tenth section of this act, shall be entitled to receive a fee of two dollars, and the same sum shall be allowed to each of the commissioners appointed under said section, to be paid by the person making the application.

§§ 1482 & 1483 and pt. § 1480 Rev. repeal'd. SEC. 16. The twelfth and thirteenth sections of the act to which this is an addition, and so much of the tenth section of the [same] as is inconsistent herewith is hereby repealed.

Approved April 8, 1868.

CHAPTER 180.

TAXATION OF EXPRESS AND TELEGRAPH COMPANIES.

APRIL 8. AN ACT in relation to Revenue and Taxing the Property of Express Companies and Telegraph Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the property of all express companies and all telegraph companies operating and doing business within this State, shall be included in